

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-213017

DATE: July 23, 1984

MATTER OF: Ikard Manufacturing Company

DIGEST:

GAO will not consider protest that firm was improperly determined to be nonresponsible because protester has been proposed for debarment from government contracting and under applicable regulations the firm is ineligible for government contracts pending a debarment decision.

Ikard Manufacturing Company protests the issuance of a purchase order to WEMS, Inc. under request for quotations (RFQ) No. DAAH01-83-T-A634, a small business set-aside. Issued by the U.S. Army Missile Command (MICOM), Redstone Arsenal, Alabama, the RFQ was for 174 electronic component assemblies for a missile system. Ikard submitted the low quotation, but it was rejected as nonresponsible based on information contained in MICOM files. Ikard contends that the nonresponsibility determination was improper because MICOM did not consider its performance of other contracts under which it furnished similar parts on or ahead of schedule. Ikard also complains that it was not visited or contacted by government representatives.

Subsequent to the filing of the protest, we have been advised that Ikard has been proposed for debarment from government contracting. A firm that has been proposed for debarment is precluded from receiving government contracts pending a debarment decision. Federal Acquisition Regulation, § 9.406-3(c)(7), 48 Fed. Reg. 42,150 (1983).

Our Bid Protest Procedures require that a protesting party have some legitimate interest in the matter before this Office will consider the protest. 4 C.F.R. § 21.1(a) (1984). Since no determination on Ikard's proposed debarment has been made, it is not eligible for award of this contract even if its protest

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were sustained, and therefore it is not an interested party capable of maintaining a protest. See DFY Supply, Inc., B-211957, Nov. 7, 1983, 83-2 CPD ¶ 532.

Ikard asserts, however, that it should be treated as an interested party because it is contesting the suspension before the Army and the Army may decide to lift the suspension. In that event, Ikard may request that the protest file be re-opened, provided that it does so in a timely fashion. At this point, however, we must view Ikard as ineligible to maintain this protest.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel